

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DARLINGTON AMADASU,	:	Case No. C-1-01-210
	:	
Plaintiff,	:	Judge Dlott
	:	
v.	:	Magistrate Judge Black
	:	
JAMES R. DONOVAN, M.D., <u>et al.</u>	:	MEMORANDUM OF THE OHIO
	:	DEFENDANTS IN OPPOSITION TO
Defendants.	:	PLAINTIFF'S "OMNIBUS CROSS-
	:	MOTION TO STRIKE OHIO &
	:	TEXAS DEFENDANTS' ANSWERS,
	:	SUMMARY JUDGMENT MOTIONS,
	:	FOR DEFAULT JUDGMENT &
	:	<u>SANCTIONS"</u>

Plaintiff Darlington Amadasu's "Omnibus Cross-Motion to Strike Ohio & Texas Defendants' Answers, Summary Judgment Motions, for Default Judgment & Sanctions" (Doc. 126) is little more than a rehashing of Amadasu's grievances concerning discovery in this case. Amadasu has already raised discovery issues with this Court to no avail; this motion should meet a similar fate and should be denied in its entirety.

The history of discovery in this case is amply summarized by the February 1, 2005 letter from undersigned counsel to Amadasu, which Amadasu has submitted to the Court as Exhibit 159 to his "Third Omnibus Declaration" (Doc. 127). All of the following basic points are set forth in that letter:

- The Court ruled against Amadasu on his objections to the Ohio Defendants' initial disclosures, but Amadasu claimed that decision was "wrong";
- The Ohio Defendants provided Amadasu (at no charge to Amadasu) documents that he had marked in his initial review of discoverable materials;
- Amadasu declined the Ohio Defendants' offer to meet and review numerous additional discoverable documents at counsel's office and at the University of Cincinnati;

- Amadasu made a generic claim that the Ohio Defendants' responses to all of his more than seven hundred (700) individual discovery requests -- which number does not include subparts -- were somehow insufficient, but Amadasu refused the Ohio Defendants' repeated requests to provide any detail as to which requests he thought had not been fully answered and why;
- The Ohio Defendants abided by the Court-ordered limitation of discovery to Amadasu's Title VI and Title VII claims and expected Amadasu to do so as well; and
- The Ohio Defendants remained willing to work with Amadasu to resolve any discovery issues, though they requested his cooperation in that process.

(Exh. 159 to "Third Omnibus Declaration of Amadasu," Doc. 127). Notably, Amadasu's "Third Omnibus Declaration" does not contest the accuracy of this letter. (*Id.* at ¶ 28) This course of conduct by the Ohio Defendants provides no basis whatsoever for any of the sanctions requested by Amadasu in his motion or otherwise.

Discovery in this case closed on January 31, 2005. The Ohio Defendants submit that Amadasu should not be permitted to further amplify these proceedings with his motion for sanctions, which should be denied in its entirety.

Respectfully submitted,

By: /s/ Justin D. Flamm

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and served copies of the foregoing upon Darlington Amadasu, Plaintiff Pro Se, at P.O. Box 6263, Cincinnati, Ohio 45206, via hand delivery, and upon Christopher Coppola, counsel for Claudia Miller and the University of Texas Health Science Center at San Antonio, at Assistant Attorney General for the State of Texas, General Litigation Division, P. O. Box 12548, Capitol Station, Austin, TX 78711, via regular United States mail, postage prepaid, this 19th day of August, 2005.

By: /s/ Justin D. Flamm

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